

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**LIBERTY MUTUAL INSURANCE COMPANY**

Plaintiff,

vs.

**FAIRWAY GROUP HOLDINGS CORPORATION,  
and FW OPERATING CORP. f/k/a  
FAIRWAY OPERATING CORPORATION**

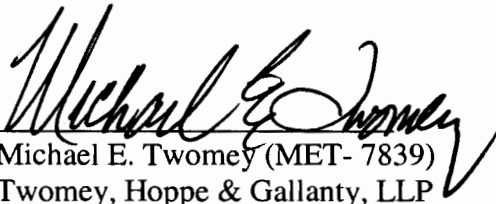
Defendants.  
----- X

Case No.: 07 CV 11415 (LTS)

**PROOF OF SERVICE  
ON DEFENDANT  
FW OPERATING  
CORPORATION**

Attached is an affidavit of service of the summons and complaint herein upon defendant  
FW Operating Corporation.

Dated: January 2, 2008



Michael E. Twomey (MET- 7839)  
Twomey, Hoppe & Gallanty, LLP  
757 Third Avenue  
New York, NY 10017  
Phone: 212.688.0400  
Fax: 212.688.1929

Of Counsel:

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Washington, D.C. 20006  
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*Attorneys for Plaintiff Liberty  
Mutual Insurance Company*

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07CV11415

Purchased/Filed: December 20, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF

*Liberty Mutual Insurance Company*

Plaintiff

against

*Fairway Group Holdings Corp, et al AND*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on December 21, 2007, at 2:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action and Complaint

on

FW Operating Corp., the

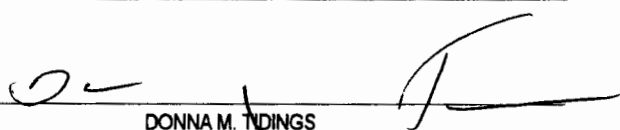
Defendant in this action, by delivering to and leaving with Chad Matice, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 28 Approx. Wt: 200 Approx. Ht: 6'0"  
Color of skin: White Hair color: Brown Sex: M Other: \_\_\_\_\_

Sworn to before me on this

26th day of December, 2007

  
DONNA M. TIDINGS

NOTARY PUBLIC, State of New York  
No. 01TI4898570, Qualified in Albany County  
Commission Expires June 15, 2011

  
Jessica Miller

Invoice-Work Order # SP0710778

**SERVICO. INC. - PO BOX 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179**

Receipt for Service

Receipt #: 200712240053  
Date of Service: 12/21/2007  
Service Company: 35 SERVICO - 35

Cash #: 200712240045  
Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: FW OPERATING CORP.

Plaintiff/Petitioner:  
LIBERTY MUTUAL INSURANCE COMPANY

Service of Process Address:  
FAIRWAY CENTRAL SVCS  
2284 12TH AVENUE  
NEW YORK, NY 10027

Secretary of State  
By CHAD MATICE